

REMARKS

In the Outstanding Action, the Examiner rejected pending claims 1, 4-7, 9-17 and 28. Additionally, the Examiner objected to claims 29 and 30. In this Response, Applicant cancels claims 1, 4-7, 9-17 and 28-30 and adds new claims 31-50. Support for the Amendments is found in the originally-filed specification, claims, and figures. No new matter has been added. Upon entry of the foregoing Amendments, Applicant respectfully requests reconsideration of pending claims 31-50 (2 independent claim, 20 total claims) in light of the following Remarks.

Preliminarily, Applicant thanks the Examiner for allowing the subject matter contained within claims 29 and 30. Applicant has taken the Examiner's suggestion to rewrite claims 29 and 30 in independent form – see claims 31 and 41 attached herein. Accordingly, Applicant submits that all pending claims 31-50 are placed in a position for allowance and respectfully requests that the Examiner provide a notice of allowance for all pending claims.

Claim Rejections under 35 USC §103(a)

Claims 1, 4-7, 9-17, and 28

Pending claims 1, 4-7, 9-17, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 2,792,342 ("Tuwiner") in view of U.S. Patent 5,492,608 ("Sandoval"). Applicant has cancelled claims 1, 4-7, 9-17, and 28 without prejudice or disclaimer in the instant application. Accordingly, Applicant requests withdrawal of any rejections of these claims.

Prior to or contemporaneously with filing this response, Applicant has filed a continuation application directed to the subject matter in claims 1, 4-7, 9-17, and 28. It should be noted that Applicant traverses and will provide argument to the instant rejections in a preliminary amendment.

Allowable Subject Matter

Claims 29 and 30

The Examiner has objected to claims 29 and 30 as being dependent upon a rejected base claim. Further, the Examiner asserts that claims 29 and 30 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Specifically, with respect to claim 29, the Examiner correctly asserts that Sandoval teaches the importance (see paragraph spanning cols. 6 and 7) of maintaining the injection area within the “middle” area of the cell with respect to the vertical direction - thus, teaches away from placing the injection device at either the floor or ceiling of the electrolytic cell. With respect to claim 30, the Examiner correctly asserts that the prior art doesn’t teach or suggest using injection devices located within the flow-through anodes.

Accordingly, Applicant has taken the Examiner’s suggestion to rewrite claims 29 and 30 in independent form including all of the limitations of the base claim and any intervening claims. For example, claim 31 now includes all limitations of claims 1, 28, and 29 as previously presented. Thus, Applicant submits that claim 31 and all dependent claims 32-40 are allowable as presently recited.

Additionally, claim 41 includes all limitations of 1, 9, 28, and 30 as previously presented. Thus, Applicant submits that claim 41 and all dependent claims 42-50 are allowable as presently recited.

CONCLUSION

In light of the above amendments and remarks, Applicant respectfully submits all of the currently pending claims 31-50 (2 independent claims, 20 total claims) are in condition for allowance. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned.

Applicant authorizes and respectfully requests that any fees due be charged to Deposit Account No. 19-2814. This statement does NOT authorize charge of the issue fee.

Respectfully submitted,

ON BEHALF OF WENDY S. NEAL

By 

58,483

Wendy S. Neal,
Reg. No. 45,615

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6334
Fax: 602-382-6070
Email: wneal@swlaw.com